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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,632	02/04/2005	Lars-Berno Fredriksson	21406-00015-US1	6064

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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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11/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,632

Applicant(s)

FREDRIKSSON, LARS-BERNO

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s), including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2154

Art Rejections:

1. The text of 35 U.S.C. 103(a) not cited here can be found in the previous office action.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird et al, U.S. pat. Appl. Pub. No. 2002/0161493.

Per claim 1, Bird discloses a system for enabling sharing or distributing monitored/diagnosed data to a remote computing system comprising:

- a) at least one first unit (probe unit 8) connected to the control system (i.e., car engine) via contacts, the first unit by means of the first protocol (i.e., analog signals) receives or sends task instructions concerning the monitoring functions of the control system (see par. 18);
- b) a second unit (analyzer 4) connected to the first unit and to tool arrangement interactable with the user comprising:
 - i) a first computer (processors 20) able to carry out calculation and/or analysis tasks (see par. 19);
 - ii) a second computer (remote host system 12) comprising a handheld computing device (PDA) connected to the first computer that is adapted to distribute or share at least some tasks to the second computer (see par. 5 and 20),

Art Unit: 2154

wherein the first unit transforms data in first protocol (analog) into a second protocol (digital) so that the tasks can be carried out by the second unit (see par. 19);

Bird does not explicitly show a program for performing specific monitoring or analyzing functions on data collected by the first unit. The use of such programs is well known in the art (see page 1, par. 2-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize known data monitoring/analyzing programs in Bird because it would have enabled practicing Bird's invention (see page 1, par. 5).

Per claim 2, Bird teaches using TCP/IP protocol as a common network protocol for transmitting data to the remote system (see par. 20).

Per claim 3, an official notice is taken that a clock is usually provided and used as a common time base for many operational components in the controlled system.

Per claims 4-5 and 7-8, Bird's teachings encompass all claim limitations (see par. 5 and par. 20).

Per claims 6 and 9-10, the use of diagnostic commands (i.e., rules) that are sent to the first units for performing various testing and diagnostic procedures is well known in the art (see par. 4).

Art Unit: 2154

Per claims 11-13, it would have been obvious to one skilled in the art to utilize any known data protocols including USB, Ethernet, CAN and LIN for transmitting data between the units in practicing Bird's invention (see par. 20 and 22).

Response to Amendment:

3. Applicant's arguments filed on October 12, 2007 with respect to claims 1-13 are not deemed persuasive.

Applicant alleges that Bird does not disclose interactions between the first and second computers such as configuring the second computer to carry out some tasks sent from the first computer.

The examiner disagrees. The examiner is unable to find the alleged interactions between first and second computers to configure the second computer to perform specific tasks. On the other hands, Bird clearly teaches providing communications between the first computer (local engine analyzer) and the second computer (remote location) and enabling the first computer to distribute and share monitored engine data with the remote station such that the remote user could help diagnosing the problems (see par. 5 and 20). Thus, in the absence of specific interactions between the two computers as alleged by

Art Unit: 2154

applicant, it is submitted that Bird's teachings meet the alleged claim limitations.

The applicant also alleges that Bird does not disclose using first, second and third protocols utilized by the claimed invention.

The examiner disagrees. The present claims only require the second unit to operate in accordance with second or third protocols, not with both second and third protocols. Since Bird teaches that the second remote station could communication with the first station via different communication protocols including wired (second protocol) or wireless (third protocol), it is submitted that Bird's teachings meet the alleged claim limitations.

Per claims 2, 6, 9, 11 and 12, the examiner submits that Bird's teachings meet the claim limitations as discussed in item 2 above.

Conclusion:

4. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

Art Unit: 2154

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET VU
PRIMARY EXAMINER

Art Unit 2154
11/23/07